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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,034	02/23/2004	Rudy Jan Maria Pellens	081468-0308407	3791
909 7590 06/13/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER QUINTO, KEVIN V	
			ART UNIT 2826	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,034	Applicant(s) PELLENS, RUDY JAN MARIA	
	Examiner Kevin Quinto	Art Unit 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 and 23-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20,21 and 25 is/are allowed.
- 6) ☒ Claim(s) 1-5,10-12,14,15,23 and 24 is/are rejected.
- 7) ☒ Claim(s) 6-9,13 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-19, 23, and 24 have been considered but are moot in view of the new ground(s) of rejection.
2. The examiner notes the newly amended title and thus hereby withdraws the objection made to the specification in the previous Office action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 10, 11, 12, 14, 15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (USPN 5,543,253).
5. In reference to claim 1, Park et al. (USPN 5,543,253, hereinafter referred to as the "Park" reference) discloses a device manufacturing method which meets the claim. Figures 3A-3F illustrate a substrate (31) with a first layer of electromagnetic radiation sensitive material (32) provided on it. A second layer of electromagnetic radiation sensitive material (33) is provided on the first layer of radiation sensitive material (32). The first (32) and second (33) layers of electromagnetic radiation sensitive material have a same tonality (column 2, lines 8-10). The first layer of radiation sensitive

Art Unit: 2826

material (32) is of a different material (column 1, lines 62-67 and column 2, lines 1-2) than the second layer of radiation sensitive material (33). Figure 3C shows that a beam of electromagnetic radiation (34) is provided using an illumination system. The beam of radiation (34) is imparted with a desired pattern in its cross-section by employing a patterning device and projected onto a target portion of the substrate (31) to expose both the first (32) and second (33) layers of radiation sensitive material. Park does not explicitly state that the first layer of radiation sensitive material (32) has a dose size of at least approximately 1.5 times the magnitude of the dose size of the second layer of radiation sensitive material (33). However it is clear that the first layer of radiation sensitive material (32) has a dose size which is greater than that of the dose size of the second layer of radiation sensitive material (33) since the exposed portion of the second layer of radiation sensitive material (33) is greater than the exposed portion of the first layer of radiation sensitive material (32) after a single exposure step (see figure 3D).

The examiner would like to note:

"[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)

Therefore claim 1 is not patentably distinguishable over the Park reference.

6. With regard to claim 2, Park does not explicitly state that the first layer of radiation sensitive material (32) has a dose size of at least approximately 1.5 times to 2.5 times the magnitude of the dose size of the second layer of radiation sensitive material (33). However it is clear that the first layer of radiation sensitive material (32) has a dose size which is greater than that of the dose size of the second layer of radiation sensitive material (33) since the exposed portion of the second layer of

Art Unit: 2826

radiation sensitive material (33) is greater than the exposed portion of the first layer of radiation sensitive material (32) after a single exposure step (see figure 3D). The examiner would like to note:

"[W]here the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)

Therefore claim 2 is not patentably distinguishable over the Park reference.

7. In reference to claim 3, the first layer (32) is thinner than the second layer (33).

8. With regard to claim 4, Park teaches all of the claimed invention except for the exact thickness of the first and second layers. Although Park does not teach the exact semicircular shape as that claimed by Applicant:

Note that the specification contains no disclosure of either the critical nature of the claimed dimensions or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

The shape, size, dimension differences are considered obvious design choices and are not patentable unless unobvious or unexpected results are obtained from these changes. It appears that these changes produce no functional differences and therefore would have been obvious. Note *In re Leshin*, 125 USPQ 416.

Therefore claim 4 is not patentably distinguishable over the Park reference.

9. In reference to claim 5, the first and second materials are substantially immiscible.

10. With regard to claim 10, the first (32) and second (33) layers are positive radiation sensitive (column 2, lines 8-10).

11. In reference to claim 11, the first (32) and second (33) layers are developed to remove portions which are exposed (column 2, lines 3-7).

Art Unit: 2826

12. With regard to claim 12, the removed portion of the first layer (32) is smaller than the removed portion of the second layer (33).

13. In reference to claim 14, a first layer of metal (37) is deposited onto the substrate (31).

14. With regard to claim 15, the first (32) and second (33) layers are lifted off to leave a T-gate (37) on the substrate (31).

15. In reference to claim 24, the method is a process for the manufacture of an integrated circuit having a T-gate.

16. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (USPN 5,543,253) in view of Ahmed et al. (United States Patent Application Publication No. US 2004/0056304 A1).

17. With regard to claim 23, Park does not disclose the use of GaAs, GaN, or InP as the substrate material. However Ahmed et al. (United States Patent Application Publication No. US 2004/0056304 A1, hereinafter referred to as the "Ahmed" reference) discloses that these materials are well known semiconductor substrate materials (p. 2, paragraph 27). The applicant is reminded in this regard that it has been held that mere selection of known materials generally understood to be suitable to make a device, the selection of the particular material being on the basis of suitability for the intended use, would be entirely obvious. In re Leshin 125 USPQ 416. Therefore claim 23 is not patentable over the Park and Ahmed references.

Art Unit: 2826

18. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. (USPN 5,543,253) in view of Kazama et al. (United States Patent Application Publication No. US 2002/0034872 A1).

19. With regard to claim 23, Park does not disclose the use of SiGa as the substrate material. However Kazama et al. (United States Patent Application Publication No. US 2002/0034872 A1, hereinafter referred to as the "Kazama" reference) discloses that this material is a well known semiconductor substrate material (p. 7, paragraph 103). The applicant is reminded in this regard that it has been held that mere selection of known materials generally understood to be suitable to make a device, the selection of the particular material being on the basis of suitability for the intended use, would be entirely obvious. In re Leshin 125 USPQ 416. Therefore claim 23 is not patentable over the Park and Kazama references.

Allowable Subject Matter

20. Claims 20, 21, and 25 are allowed.

21. Claims 6-9, 13, and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

22. The following is a statement of reasons for the indication of allowable subject matter: the examiner is unaware of any prior art which suggests or renders obvious a device manufacturing method for a substrate having two layers of electromagnetic

Art Unit: 2826

radiation sensitive materials having the explicit dose size and chemical properties as described by the applicant.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on (571) 272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KVQ


LEONARDO ANDUJAR
PRIMARY EXAMINER